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In re Application of :
Kevin S. **Barker**, et al. : **OFFICE OF PETITIONS**
Application No. 10/047,784 : **DECISION ON PETITION**
Filed: January 14, 2002 :
Attorney Docket No. RSW920010051US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 22, 2006, to revive the above-identified application.


The petition is **GRANTED**.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 17, 2005. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is February 18, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of \$1500; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 2192 to await the processing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.


Irvin Dingle
Petitions Examiner
Office of Petitions